Transcript of the first lecture from:

"Explanation of the rule: Whoever Does Not Declare a Disbeliever to Be a Disbeliever"

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May Allah accept him

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All praise is due to Allah, and peace and blessings be upon the Messenger of Allah, and upon his family and companions with complete peace and submission.

O Allah, teach us what benefits us, benefit us with what You have taught us, and increase us in beneficial knowledge, O Lord of the worlds. O Allah, show us the truth (*al-haqq*) and grant us the ability to follow it, and show us falsehood (*al-batil*) and grant us the ability to avoid it, and do not make it confusing for us so that we go astray.

Welcome, dear brothers. By Allah, it is from the causes of our joy that such a gathering is held to discuss some contemporary scholarly issues regarding which much disagreement (*ikhtilaf*) and confusion has occurred in determining their nature, evidence, and the rulings built upon them.

These are several issues; we begin, if Allah wills, with the most important and the easiest among them. *"What is easy does not fall away due to what is difficult."* If time allows us to cover all issues, then all praise is due to Allah. If not, we will postpone them, if Allah wills, to other sessions.

As is well known to you, brothers, an issue that has emerged in the intellectual arena and taken a major space is what is called:

"The ruling regarding excusing someone due to ignorance (al-'adhir bi'l-jahl) in the foundation of religion (asl al-din)."

This issue has divided people into groups, among them those who have gone to extremes (*ghulat*) in it, and among them those who have been negligent in understanding its meanings and implications, and the correct position, without doubt, is that it lies in a middle path between those who exaggerate in it and those who are negligent regarding it.

So we, by the will of Allah the Most High, O dear brothers, will present this issue and clarify what we hold as our religious conviction before Allah the Almighty, and what the consensus (al-jama'ah) is upon. In this matter, there are aspects in which ijtihad (independent reasoning) is permissible, and aspects in which we do not accept ijtihad, nor is any alternative view acceptable.

It is also permissible for the imam, or whoever leads on his behalf, to apply disciplinary measures (ta'zir) in it, and to take responsibility in enforcing accountability against one who opposes it. If the one who opposes believes that he is upon truth, then he must conceal what is within himself, and it is not permissible for him to openly express it so long as the truth has not been made clear to him with its evidences.

Therefore, presenting this issue in detail, if Allah wills, and listening to questions and uncertainty surrounding what is being presented, this, by Allah's permission, is what will lead us to a firm and established scholarly conclusion.

And this issue, all praise is due to Allah, is not new in itself, rather, it only appeared new when it was assumed to be so, which is why confusion arose around it.

However, if it is understood that this issue has its established roots, and that the early generations (al-salaf, may Allah have mercy on them) spoke about it, then the student of knowledge becomes reassured, and the researcher becomes reassured, because he is relying upon a trustworthy source: that which the people of knowledge were upon in the earlier virtuous generations.

We therefore seek help from Allah, the Mighty and Majestic, and we say: before entering into this issue, there must be an introduction, namely, the nature of the sources of evidence in matters of the fundamentals of religion (asl ad-din). The sources of evidence in asl ad-din…

Meaning, O brothers, this is an important foundational matter for understanding many issues of creed (ʻaqidah). When the scholars (may Allah have mercy on them) say: *"the sources of evidence in matters of asl al-din"* what they mean is, the sources that are relied upon, referred back to, and used as the basis for building legal rulings in matters of creed are, in short: the Qur'an, the Sunnah, understood through the understanding of the Companions (radiyallahu anhum), and the consensus (ijma) of the (three) best generations (Salaf).

So briefly, these are the sources of evidence in matters of asl ad-din. Ibn al-Qayyim (rahimahullah) expressed this in his *Nuniyyah* when he said:

"Knowledge is what Allah said, what His Messenger said and what the Companions said, they are people of true understanding knowledge is not making foolish disputes between the Messenger and the opinion of so-and-so"

So when we accept this principle, that the basis for understanding matters of creed, and therefore dealing with them, must follow the religious texts and the understanding of the early salaf, this is something that everyone claims. Every person who speaks about this topic mentions it.

But let us speak clearly: if you ask, who is more truthful in this claim, and who actually applies it correctly?

Look at who a person depends on in his speech and conclusions. When we come to this main issue in creed, which is the issue of the one who excuses ignorance (al-adhir bil-jahl), or in other words, the one who does not declare the mushrikeen to be disbelievers, you will find that some people do not go beyond the statements

of Imam Muhammad ibn Abdul Wahhab and his followers (rahimahumullah). They are not able to go beyond this time period, and they do not use, rely on, or even mention evidence except by saying: "Shaykh Muhammad ibn Abdul Wahhab said… the Shaykh said…Suleiman ibn Salman said, Shaykh Abdul Rahman ibn Hasan said, Shaykh Ishaq ibn Abdul Rahman said…"

Okay, but where is the proof from the Qur'an? From the Sunnah? From the words of the early scholars?

Here is the real problem: most of those who speak about this issue, if you ask them even the simplest basic definitions from the Qur'an and Sunnah, they are not able to answer.

Of course, brothers, I am speaking to you from long experience. These matters came through long periods of discussion, debates, and meetings with those who disagree. So a clear and fixed reality became obvious: in this issue, they and those who follow them often have one main approach–once you go back before Muhammad ibn Abdul Wahhab (rahimahullah), the matter becomes unclear for them.

So if I ask: what is the description of kufr bit taghut (disbelief in the taghut)?

He replies: "Shaykh Muhammad ibn Abdul Wahhab said…"

I say: no, we agreed at the beginning of the session that we do not base our argument only on the words of scholars from the Najdi da'wah, no matter how great they are.

So what is the description of kufr bit taghut?

He does not even know the meaning of kufr bit taghut!

So this is a serious problem! A very deep problem!

Issues of creed cannot be proven or established like this?!

Meaning, the description of kufr bit taghut as they define it is: believing that worshipping other than Allah is false, hating it, leaving it, declaring its people to be disbelievers, and showing enmity toward them.

Okay, I am not even asking you for a quote from Shaykh Muhammad ibn Abdul Wahhab. Just give me this issue from the Qur'an and Sunnah: the description of kufr bit taghut and the rulings and effects that come from it.

Yet he may be ignorant of it and its details.

And this is a serious issue.

The problem is that some people do not even accept the Islam of a person who follows taqlid (blind following). They say most common Muslims today are not actually Muslim.

Why? He says: because they learned Islam through imitation, not through proof and evidence, and matters of basic creed can only be accepted if a person knows them through direct evidence.

Of course, this issue is a matter of scholarly disagreement in the past. But it did not have the kind of effects that some people today apply, especially those with very little knowledge.

For example, a man among them would declare someone a disbeliever just for traveling to the lands of disbelief in an absolute sense.

So we said to him: perhaps you mean the one who enters their lands and adopts their rulings, as indicated by *Ibn Hazim in al-Muhalla*?

He said: no, anyone who goes to the lands of disbelief at all is a disbeliever.

I said: what is your evidence? This issue is connected to iman and kufr, and to rulings and names (al-asma wal-ahkam), which are among the most important issues in religion, as Shaykh al-Islam Ibn Taymiyyah, Ibn Rajab, and others mentioned.

A foundational principle in religion, one of the most important issues overall, is the issues of names and rulings (al-asma wal ahkam). It is also the first issue in which disagreement occurred among the different groups of Muslims.

I said: what is your evidence for this topic? Expelling a person from Islam and judging him to be in eternal Hellfire, what is your proof for that?

He said: "*Ibn Hazim* said: whoever goes to the land of disbelief…"

Then he quoted *Ibn Hazim*, but the statement does not actually support what he is claiming.

So I said: using *Ibn Hazim* as evidence here is not correct for several reasons:

<u>First</u>: according to your own approach, *Ibn Hazim* is a disbeliever. Why?

Because *Ibn Hazim* excuses ignorance in the foundations of religion, and this is considered a mistake by those who oppose him. However, in any case, he does excuse ignorance, as mentioned in his book *al-Fasl fi al-Milal wal Ahwa wal Nihal*.

<u>Second:</u> according to your own principle, you have not actually established tawhid, because you are now doing taqlid (blind following). I am asking you for evidence, and you only bring the statement of *Ibn Hazim* as proof for declaring someone a disbeliever.

So where is your proof?

This is a serious contradiction. And you also do not even accept the Islam of a person who follows taqlid.

<u>Third:</u> *Ibn Hazim* did not actually mention this meaning in the way it is being used. Rather, what his words mean is that whoever goes and enters into their system of rule, obeys them, and supports them against the Muslims, as I already explained from his clear wording.

The point is that all of this, the main cause of confusion and error, is what? Not relying on the statements of the early scholars.

You find that people often rely on the statements of Imam Muhammad ibn Abdul Wahhab and his followers (rahimahumullah). His statements are used by opponents as evidence, because his writings sometimes contain general statements, and in other places more detailed clarifications and restrictions. This is well known to anyone who patiently studies his books, letters, and works.

So why should I enter into this narrow path, instead of going back to the wide and clear guidance of the Book of Allah, the Sunnah of His Prophet ﷺ, and the statements of the early salaf?

Unless someone claims that the issue of excusing ignorance is not part of the foundations of religion.

If it is part of asl ad-din, yet it is not clearly found in the Qur'an, Sunnah, or statements of the salaf, then this would fall under what *Ibn Hazim said:*

"Whoever thinks something is part of religion that neither the Messenger of Allah ﷺ nor his Companions considered part of it, is a liar, and rather a disbeliever by consensus."

If it is a matter of asl ad-din and it is not clearly established in the Book, Sunnah, and salaf statements, then this is a serious problem.

And if it is clear and established, then the weakness in method and research is to rely on later scholars while leaving the earlier statements.

And if the scholars have mentioned that using the Sunnah as evidence in a place where there is already a clear text from the Qur'an is a kind of shortcoming, then how about using the statements of some scholars when the verses, the Sunnah, and the consensus of the salaf are all widely and consistently reported on the matter?

There is no doubt that this is even more clearly a form of deficiency.

So this is an introduction that must be taken into account: the issue of defining the sources of evidence in matters of asl ad-din. These sources are limited to the Qur'an, the Sunnah, and the consensus of the Companions and the people of the best generations. And there is no doubt that they all spoke about the general principles of creed.

The second introduction is built upon the first.

(And why do I mention this? Because in our discussion of this topic and how we deal with it, we will not refer to the statements of the scholars of the Najdi da'wah except as supporting references at the end of the discussion, and to respond to the claims of opponents, even those who attach themselves to the statements of the scholars of the Najdi da'wah. This introduction is what leads us to that approach, because we have found that everyone uses the statements of Shaykh Muhammad ibn Abdul Wahhab and his descendants, but when we return to the original sources, very few actually rely on them.)

The second introduction: which branches from the first, is a precise point that a student of knowledge should not overlook. Al-Shatibi (rahimahullah) mentioned it in *al-Muwafaqat*, where he stated that: *Any evidence or principle falls into three categories:*

It is acted upon always or mostly by the salaf: meaning that the salaf would act upon this text consistently or in most cases he said:

"There is no doubt that the truth and the correct Sunnah is to follow this principle and stick to this evidence."

Meaning: there is no doubt about acting upon it, like most of the شعائر (rituals) of religion such as prayers, fasting, voluntary acts, and jihad. These have clear texts, and all the salaf acted upon them according to their apparent meaning.

Second case: he said:

“Or it may be acted upon in some ways, but in most cases or in general it is not acted upon.”

Meaning: it may be applied in some limited situations, but in most of their practice and application they do not act according to the requirement or apparent meaning of this text or principle.

So what did he say (rahimahullah)? He said:

“There is no doubt that the established Sunnah and the correct path is to follow what they mostly acted upon. As for what they did only in some cases, then carefulness, verification, and avoiding discussion of it is the safer approach.”

He gave an example for this: the punishment of killing the drinker of alcohol the fourth time. This is mentioned in the texts, where the Prophet (peace be upon him) ordered the killing of the one who drinks alcohol after the fourth time, and it is found in the Sunnah and has a basis in authentic narrations.

However, Imam al-Tirmidhi (rahimahullah) said in his ‘Ilal at the end of Jami’:

“The scholars agreed on leaving action upon its apparent meaning.”

Meaning that the killing of the alcohol drinker on the fourth occasion is not acted upon.

Have you ever heard that the Prophet (peace be upon him) actually killed a drinker of alcohol on the fourth time? There is nothing in his actions or rulings that shows this.

Have you heard that the Companions did that? Or the Tabi‘un? Or the followers of the Tabi‘un?

No!

So most of the practice of the salaf, from the Companions and the Tabi‘un, is not acting upon the apparent meaning of this text.

Of course, some scholars said that this hadith can be acted upon in certain situations. Groups of scholars mentioned this, including Ibn Hazim, Shaykh al-Islam Ibn Taymiyyah (rahimahullah), Ibn al-Qayyim, and others. They said that if a person is known for corruption–such as someone who spreads alcohol and is addicted to it and cannot stop–then it is allowed for the ruler, as a matter of public interest, to execute him. In this case, the text is taken on its apparent meaning, but it is not applied in every situation.

So what is the correct position, the established Sunnah, and the general method according to the principle of al-Shatibi?

It is to follow what is most common and dominant in the practice of the salaf.

As for rare cases, then no, there must be caution, careful study, and verification. And even if you do not act upon it, that may sometimes be safer.

Yes, because the safer and more precise approach is to follow what the salaf were upon, and to be confident that someone from among them has already preceded you in understanding and applying it. This is the meaning of the statement of Imam Ahmad: *"Beware of giving fatwa in an issue where you have no Imam to follow."*

Then he mentioned the third category: that which is not acted upon at all. In this case, the truth is clearly in not acting upon it according to its apparent meaning, because it cannot be correct while the Companions of the Prophet and the early generations of this Ummah ignored it.

He then mentioned examples for each category, which would take too long to list in full.

But this is a second introduction that branches from the first, and it is very important for us in this sense:

The issue of excusing ignorance in the foundations of religion goes back to the meaning of *"whoever does not declare the polytheists to be disbelievers or doubts their disbelief"* correct?

Those who say that the one who excuses ignorance is a disbeliever argue that he has not declared the polytheists to be disbelievers, and whoever does not declare the polytheists to be disbelievers is himself a disbeliever.

So they reduce the matter to this principle, and they connect it to this general agreed-upon invalidating factor in broad terms.

If this principle is *"whoever does not declare the polytheists to be disbelievers..."*, then as I said in the first introduction, we must first establish evidence for it. What is the proof for this principle?

It is not correct to ignore its foundation and evidence just because scholars mentioned it as an invalidating factor. Because if I know its origin, evidence, and proper scope, I will understand how to deal with it correctly.

The second point is that I must look at how the salaf dealt with this invalidating factor.

First, did the salaf actually deal with it or not? If it is truly an established invalidating factor, then without doubt the salaf would have known it. And if they knew it, then how did they deal with it?

Their books are preserved and well known: such as *Sharh Usul al-I'tiqad* by al-Lalika'i, Sunan works of Abdullah ibn Imam Ahmad, Imam Ahmad himself, Muhammad ibn Nasr al-Marwazi, books on iman, *Khalq Af'al al-Ibad* by al-Bukhari, Abu Ubayd al-Qasim ibn Sallam, and other early works, including *al-Radd ala Bishr al-Marisi* by al-Darimi, and refutations of the Jahmiyyah, and many others.

There are many books and works. The Islamic library continues to bring us new manuscripts and sources every day from what the early generations of this Ummah recorded.

Issues of creed and responding to opponents... and are these matters included in them? This is what we will discuss, if Allah wills.

So these two introductions, we want to stick to them in our research, and also rely on them in determining many rulings in these areas.

Is that clear, brothers? Before we move to another topic, is there any confusion about this?

One of the listeners: Sheikh!

The Sheikh: go ahead.

One of the listeners: regarding what al-Shatibi mentioned, the second point, the example of the alcohol drinker?

The Sheikh: Imam al-Tirmidhi said: *"The scholars are agreed on not acting upon its apparent meaning."* But what did the scholars direct you to?

They directed you to the fact that it may be acted upon in certain cases if the ruler sees a benefit. However, this is not something to be applied broadly, only in the most limited situations.

Another example to clarify this: in Sahih Muslim, from the narration of Ibn Abbas (radiallahu anhum), the Prophet (peace be upon him) combined Dhuhr and Asr, and Maghrib and Isha in Madinah without fear and without travel. In another narration: without fear and without rain.

So how many times did the Prophet do this?

Once.

And we have the general principle: “Indeed, prayer has been decreed upon the believers at fixed times” (An-Nisa 4:103).

The Prophet (peace be upon him) used to pray all the prayers at their fixed times, and it is only reported once that he combined them, so as not to cause hardship for his Ummah.

So this requires from the observer, the student of knowledge, the jurist, and the one who is careful in his religion, what?

That he only does this in the rarest situations, because the salaf (may Allah have mercy on them) would rarely combine prayers unless they were on a journey or in a difficult and urgent situation.

Even more than that, many brothers in the battlefronts combine prayers. I will not say “many,” rather all the brothers in the battlefronts combine prayers. So is this the Sunnah?

Focusing on this issue and moving away from the Sunnah, or going far in this way, has made some brothers neglect a Sunnah that is more suitable and closer to the truth, which is the prayer of fear (salat al-khawf). The Prophet (peace be upon him) used to pray salat al-khawf, and each prayer would be prayed in its own time. But if you ask most of the brothers today, they do not know the description of salat al-khawf, which has more than eight reported forms and methods.

Instead, they may apply a form that was only reported in rare cases. The safer approach, as al-Shatibi said, and the general path followed by the salaf, is not to combine prayers unless you are actually traveling on the road, as the Prophet (peace be upon him) used to combine prayers during travel, or in a real necessity, and even then it is rare.

Meaning some people, when we discuss this topic with them, say: where did you bring “rare” or “little” from? The Prophet combined, and this is an established principle.

We say: yes, but this is understood through the general principles of Sharia, its universal rules, and its foundations, through which rulings are properly understood.

So I see the Prophet (peace be upon him) performing the prayers at their proper times in all his situations, except for one case. Then I go ahead and open this door, without having any predecessor from the salaf in this matter?

That is why you find that most scholars did not act upon this text in its general sense. Rather, some interpreted it, and others carried it on limited possibilities.

And the correct view is what scholars like Ibn Sahnun, Ibn Wahb, and al-Qattal held, and it was also preferred by Ibn Hazim, Shaykh al-Islam Ibn Taymiyyah, and others. They said that combining prayers is only done in rare situations, when the purpose for which the Prophet (peace be upon him) combined them is actually present.

This is based on what is mentioned in Sahih Muslim: so that he would not place hardship upon his Ummah. So if praying at the proper time will cause real hardship and difficulty for a person, then there is no problem in combining, but it should be rare and exceptional, not frequent or the default practice.

This is the meaning of al-Shatibi's statement in the second case: that there may be a text acted upon in one way, while the majority of the salaf acted upon it in another way or consistently left that application. So the main principle is to act upon what they most commonly practiced.

Now, after these two important introductions, we begin, inshaAllah, to discuss this invalidating matter.

Before going into the topic, we said, brothers, that excusing ignorance in the foundations of religion means: that tawhid is understood as directing worship to Allah alone, and worship is the exclusive right of Allah.

So whoever directs any act of worship to other than Allah is a mushrik and disbeliever—except, and this is the basic principle, except if there is a valid legal barrier preventing the ruling of takfir from applying, such as coercion (ikrah).

So if a man prostrates to an idol under compulsion, does he become a disbeliever?

He is not declared a disbeliever at all: "Except one who is forced while his heart is at rest with faith" (An-Nahl 16:106). And if he prostrates to an idol by mistake, does he become a disbeliever? No.

As it comes in Sahih al-Bukhari: Anas (may Allah be pleased with him) was praying in front of a grave without realizing it, and Umar pointed to him saying, "The grave, the grave." Anas said: I thought he was saying "the moon, the moon." So he raised his gaze to the sky. Then Umar corrected him that there was a grave in front of him.

Anas did not know, and this was a mistake that no one says made Anas commit shirk.

Likewise, there is the well-known hadith in Sahih al-Bukhari about the man who said: "O Allah, You are my slave and I am Your Lord."

So the basic principle is that mistake is a barrier even in matters of asl ad-din. Meaning: a person intends a correct meaning but ends up falling into a wrong meaning without realizing it.

And this is not the same as "lack of intention" that the people of 'irja use as evidence. No, that is something else. That is intentional absence of meaning, which is not valid here.

But what is meant here is mistake in action: that a person intends a correct action but ends up doing something wrong.

So if someone falls into shirk while being coerced or while mistaken, then without doubt he does not become a disbeliever.

Likewise, the one who excuses ignorance says: ignorance is, in my view, a barrier from the barriers of legal responsibility, so if a person falls into shirk while being ignorant, I do not declare him a disbeliever.

So what is the image of the one who is excused due to ignorance?

He knows tawhid.

And he knows shirk.

And he believes that anyone who commits shirk is a disbeliever and a mushrik, except for someone in whom certain barriers are present. And one of those barriers, in his view, is ignorance (al-jahl).

This is the picture of the one who excuses ignorance.

Now, what we believe and hold as our religion is that no one is excused due to ignorance in the foundations of the religion. And anyone who falls into major shirk or major disbelief, when it is from matters of asl ad-din, is not excused by ignorance or interpretation. This is because the proof of Allah is clear in His Book and in the Sunnah of His Prophet (peace be upon him), and because the message of Islam is clear and known to everyone. So this is something that no one is allowed to be ignorant of. Whoever is ignorant of this or does not enter into it has not entered Islam in the first place.

Discussing this issue is long, but this is what we believe and what we hold as our religion.

So our topic is not always the first case: the one who falls into shirk and commits it.

Our real discussion and point of disagreement with those who differ with us is always in the second case: the one who excuses ignorance, yet has not actually fallen into shirk or committed it. And as I explained to you, his picture is:

He knows tawhid and submits to Allah.

And he says that anyone who falls into shirk is a disbeliever and a mushrik, except for those who have barriers proven in the Sharia as valid excuses, such as coercion, mistake, and ignorance.

So what is the correct legal position regarding this? This is the point where the disagreement actually happens.

And I emphasize this so that people do not create confusion, and so that some do not keep repeating the same objection, saying: "O brother, tawhid is the foundation of the mission of the messengers..."

Yes, we already know this. Because of that, you declare as disbeliever anyone who falls into shirk, whoever they are, and you fight them.

So do not bring this up to distract from the real discussion. This is not the place for that argument. I am speaking about something beyond that–about the one who does not declare such a person a disbeliever.

Not the one who actually fell into disbelief and committed shirk.

So what is your evidence for declaring the one who excuses ignorance to be a disbeliever?

They say: because he did not declare the polytheists to be disbelievers. And whoever does not declare the polytheists to be disbelievers, or doubts their disbelief, is himself a disbeliever.

So we must first talk about the one who excuses ignorance, and before that we must discuss this principle or invalidating factor: "whoever does not declare the polytheists to be disbelievers or doubts their disbelief..."

We say, and Allah is the source of success:

First: this principle and this invalidating factor was discussed by the salaf, and they used it in their books and works.

Meaning now, by the grace of Allah, we are reassured that the salaf preceded us in mentioning this invalidating factor and this principle, and that they used it in the chapters of faith and disbelief.

Meaning: this is not something that originated with Shaykh al-Islam Ibn Taymiyyah, nor is it an "innovation" of Imam Muhammad ibn Abd al-Wahhab, may Allah have mercy on them both.

This also responds to those who try to invalidate this principle by saying: "This is just the words of Shaykh al-Islam or Muhammad ibn Abd al-Wahhab."

Yes, Shaykh al-Islam used it extensively, and Shaykh Muhammad ibn Abd al-Wahhab also used it frequently. That is why it is often attributed to them. But in reality, the early generations of this Ummah were before them. They already spoke about it, dealt with it, and applied rulings of disbelief based on it against the opponents.

The first one reported to have spoken about this principle is what Imam Abdullah ibn Ahmad narrated in his book al-Sunnah from Sufyan ibn 'Uyaynah, the Imam of the people of Makkah, who died in 198 AH.

During his time there was a major trial: the issue of the createdness of the Qur'an. It was a widespread fitnah that affected many people. The statement that the Qur'an is created was considered pure disbelief, because it meant attributing the speech of Allah to being created and originated.

So Sufyan ibn 'Uyaynah used to say: "The Qur'an is the Word of Allah, not created. Whoever says it is created has disbelieved, and whoever doubts his disbelief has disbelieved."

Meaning: the one who doubts the disbelief of the one who says the Qur'an is created is himself a disbeliever like him, even if he did not say the same statement, but he failed to declare him a disbeliever.

This is an application of that principle.

Likewise, it is narrated from Abu Bakr ibn 'Ayyash, the Imam and reciter and worshipper, that he also spoke in this manner. The same issue was also mentioned by al-Lalika'i in Sharh Usul al-I'tiqad Ahl al-Sunnah. It was also discussed by Imam Salamah ibn Shabib al-Makki, one of the scholars of Ahl al-Sunnah.

Al-Khatib al-Baghdadi mentioned in his Tarikh, and Ibn Hajar also in Tahdhib al-Tahdhib, that Salamah ibn Shabib was asked about a man known as al-Hulwani.

What was al-Hulwani's belief?

He used to say: "The Qur'an is the Word of Allah, but the one who withholds judgment on this issue, I do not declare him a disbeliever. I withhold judgement about him."

So what did Salamah ibn Shabib say when he was asked about al-Hulwani and his statement?

He said: "This is something that should be thrown in the latrine. Whoever does not testify to the disbelief of the disbeliever is himself a disbeliever."

So this is also an example of Imam Salamah ibn Shabib, who is from the early generations, using this principle and arguing with it.

It is also reported from Abu Hatim al-Razi, Abu Zur'ah al-Razi, and Imam Ahmad.

As for Imam Ahmad, al-Qadi Abu Ya'la mentioned in Tabaqat al-Hanabilah that Imam Musaddad ibn Musarhad, the teacher of al-Bukhari—whom you often see in Sahih al-Bukhari when he says "Musaddad narrated to us"—was one of his most frequent teachers. And his name truly matched him, as he was known for being precise and firm (musaddad).

Among the interesting things mentioned by historians is his full name: Musaddad ibn Musarhad ibn Musarbil ibn Mughribal ibn Sarandal ibn 'Arandal. A very unusual chain of names that appeared among his ancestors.

Imam Musaddad (may Allah have mercy on him) was one of the teachers of al-Bukhari. During the time of Imam Ahmad, he sent him a letter asking about his rulings on groups like the Qadariyyah, the Rafidah, the Mu'tazilah, and the Jahmiyyah.

It was an important and well-known letter. When it reached Imam Ahmad, he replied to it, and it became known as: "The letter of Imam Ahmad to Musaddad."

In his response, Imam Ahmad said, among other things: "Whoever says the Qur'an is created is a disbeliever, and whoever does not declare him a disbeliever is also a disbeliever." And when he spoke about the Qadariyyah and the Rafidah, he said: "Whoever does not declare them disbelievers is a disbeliever."

He did not focus on proving their disbelief itself, because in his view that was already clear and agreed upon. Rather, he emphasized the ruling on the one who does not declare them disbelievers.

So the statements of the scholars, and their use of this principle, clearly have a foundation.

This shows us with confidence that the early scholars knew this principle and applied rulings based on it.

So if that is the case, why should we take this principle out of the framework in which the salaf and the early scholars used it? Why not understand and apply it in the same way they did?

So when we talk about "whoever does not declare the polytheists disbelievers":

First: the salaf and early scholars clearly mentioned it, stated it, and applied it.

Second: and this builds on what we said before, how did we arrive at this principle, and on what basis do we hold it?

Shaykh al-Islam Ibn Taymiyyah (may Allah have mercy on him) has a very valuable and important statement. He said:

"Errors entered upon the followers of the imams in understanding the texts of their imams, similar to the errors that entered upon the earlier people in understanding the texts of the Sharia."

<u>What Shaykh al-Islam means by this is the following:</u>

There are Sharia texts that scholars call "texts of threat" (nusus al-wa'id). These texts come in a general form, and they describe anyone who commits a certain act with a specific ruling.

For example, the Prophet (peace be upon him) said: "Allah has cursed the one who consumes riba, the one who pays it, the one who writes it, and its witnesses."

Also: Allah has cursed the one who drinks alcohol, the adulterer, the thief, and the liar.

And Allah the Most High says:

"And whoever kills a believer intentionally, his reward is Hell, remaining in it, and Allah is angry with him and has cursed him and prepared for him a great punishment" (An-Nisa 4:93).

All of these texts, and others like them, are placed by scholars under the category of "general threat" (al-wa'id al-'amm).

So how are these texts supposed to be understood?

A mistake happened among some scholars and early groups. What was that mistake?

They applied the ruling of these texts directly to every individual who committed the act. So regarding the one who drinks alcohol, they would say: "You are cursed," and "you are a fasiq," and based on that they allowed cursing sinners in general.

They would say the one who deals with riba is cursed. And the killer, based on the apparent meaning, would be someone who is never forgiven and will remain in Hell forever.

By doing this, they resembled the Ghulat, like the Khawarij, in some of their ideas and statements.

And this is a mistake! A clear mistake!

The well-grounded scholars of Ahl al-Sunnah wa al-Jama'ah hold that these are "general, unrestricted texts of threat" (nusus al-wa'id al-'amm al-mutlaq). They can be stated in general terms, but when applying them to specific individuals, it is necessary to make sure the conditions are met and the barriers (mawani') are removed.

For example: the Sharia came with a general ruling of cursing the one who drinks alcohol. But when a man from the companions of the Prophet (peace be upon him) was brought forward–he used to drink and was punished for it–a man said: "May Allah curse him, how often he is brought!"

So what did the Prophet (peace be upon him) say?

He said: "Do not curse him, for he loves Allah and His Messenger."

So here, the curse came as a general threat. But when it came to a specific person, the Prophet removed that ruling from him, because there was a barrier that prevented it from applying to him, namely, that he loved Allah and His Messenger.

Because of this, the majority of scholars said that the basic rule is that a fasiq is not to be cursed specifically, because he may have in his heart love for Allah and His Messenger, and that can be a barrier preventing the ruling of curse from applying to him.

Likewise, the killer: they said that in general, his sin deserves eternal punishment in the Fire. But other Sharia texts clarify that tawhid and saying la ilaha illa Allah prevent a person from remaining forever in the Fire, even if he committed murder.

So this precise understanding is necessary. Just as it is required in understanding the Sharia texts, it is also required in understanding the statements of the scholars.

Because what does Shaykh al-Islam say? He says:

“The same kind of error that happened to the early people in understanding the texts of the Sharia also happened to the followers of the imams in understanding the texts of their imams.”

How does that happen?

Through an example: they hear that some scholars say, “Whoever says such-and-such is a disbeliever, and whoever does not declare him a disbeliever is also a disbeliever.” Then they immediately use this general statement to declare a specific person (mu‘ayyan) a disbeliever.

But this is not correct. And the imams themselves did not mean this in that absolute way.

For example: Imam Ahmad (may Allah have mercy on him), in his letter to Musaddad, said:

“Whoever says the Qur’an is created is a disbeliever, and whoever does not declare him a disbeliever is a disbeliever.”

So how did he actually apply this? We need to look at his actions and practice.

Who were the ones saying that the Qur’an is created?

The Mu‘tazilah and the Jahmiyyah.

The Jahmiyyah, as Ibn al-Qayyim (may Allah have mercy on him) narrated in *al-Kafiyah al-Shafiyah*, many scholars–around five hundred–stated that they are disbelievers. So the Jahmiyyah are considered disbelievers in a general, descriptive sense. In fact, their disbelief was compared to the disbelief of the Jews and Christians, or even considered more severe.

Because of this, Imam Abu ‘Abd al-Rahman ‘Abdullah ibn al-Mubarak al-Marwazi (may Allah have mercy on him), when he was asked about the hadith:

“This ummah will split into seventy-three sects, all of them in the Fire except one”

He was asked: are the Jahmiyyah included in these sects?

He said: “No, they did not even enter into this discourse in the first place.”

These people are, in reality, outside the seventy-three sects.

Pay attention to this point: declaring them disbelievers is something clear and known in a general sense. Imam Ahmad (may Allah have mercy on him) would declare them disbelievers, and he would also declare disbelievers to those who do not declare them disbelievers, in terms of general statements (itlaq).

But when we move to a precise explanation and apply this ruling to specific individuals (tanzil ʻala al-aʻyan), the matter changes completely. The wording and approach of Imam Ahmad becomes much more careful and detailed.

We find, for example, that Imam Ahmad used to make duʻa of mercy for some individuals from the Jahmiyyah, but not for those who refused to declare them disbelievers.

And this includes some specific figures such as al-Muʻtasim. Al-Muʻtasim was from the leaders of the Jahmiyyah. He even promoted this bidʻah, called people to it, and tested the people with it during the hardship.

However, when he led a military campaign in defense of Islam in ʻAmuriyyah, and news reached Imam Ahmad about his efforts in that conquest, Imam Ahmad said: "O Allah, I have forgiven him, so forgive him."

This story is well known, the story of the conquest of ʻAmuriyyah, which Abu Tammam described in his famous poetry:

"The sword is more truthful in news than books…" and so on.

In this way, he praised the conquest of ʻAmuriyyah when the woman called out saying: "O Muʻtasimah!"

For this reason, this clarifies the statement of Shaykh al-Islam Ibn Taymiyyah, where he said:

"The people of knowledge and the researchers may see in a person signs of faith, jihad, and strong commitment to following the Messenger, which can become a barrier to applying the ruling of threat (waʻid) upon him."

This is exactly like the approach of Imam Ahmad (may Allah have mercy on him).

Imam Ahmad did not declare some individual Jahmiyyah scholars as disbelievers in every case. So how do we understand his statement: "Whoever does not declare them disbelievers is himself a disbeliever"?

The answer is: this is in terms of general statements (itlaq). But when it comes to applying rulings to specific individuals (taʻyin), then the condition is to verify that the requirements are met and the barriers are removed.

At the same time, Imam Ahmad did declare some specific individuals from the Jahmiyyah as disbelievers. And O brothers, the disbelief of the Jahmiyyah was not an ordinary type of disbelief, it was a major and serious form of kufr.

He did declare some of them disbelievers, as mentioned in the book *Bahr al-Dam fi Man Takallama Fihi al-Imam Ahmad Bi Madhaw dham* by Yusuf ibn Abd al-Hadi. He was asked about Ahmad ibn Abi Du'ad, and he said:

"This is a disbeliever whose blood is permissible."

So he declared some individuals as disbelievers, while he did not do so for others.

The key point is this: if someone only takes the general, absolute statements of Imam Ahmad, what conclusion will he reach? He will end up declaring all of them disbelievers, and even those who do not declare them disbelievers–possibly even including Imam Ahmad himself. May Allah protect us from saying such a thing about him.

Look at how these general statements are handled.

But does this make it acceptable to object and say: "May Allah forgive the imams, why did they make such general statements? And why all this confusion?"

We say: no, this kind of general wording is acceptable and valid (it is permissible to use such general statements).

Because the imams, as the scholars of Ahl al-Sunnah have said, follow in their general expressions the same style as the texts of general threat (nusus al-wa'id al-'amm). Just as those texts come in a general and unrestricted form, but when applied to a specific case the ruling may change, the same applies to the imams.

Especially since their general statements were often made regarding acts of disbelief that appeared in their time, spread widely, and caused great harm to Muslims. So they would speak in strong general terms to make the ugliness of that kufr clear and to warn against it, so that no one remains in doubt, hesitation, or confusion.

And this will help us a lot in understanding texts, including the statements of scholars of the Najdi da'wah as well. When they use general statements, we may find that at the level of specific individuals (ta'yin) they may pause or be more careful.

Because of this, some scholars take into account the general, unrestricted wording.

However, others even in speaking generally would add clarification and restriction, out of fear that their words might be misunderstood or misattributed incorrectly.

So some of the early scholars would also use strong general statements, including in meaning what others expressed with phrases like "whoever does not declare a disbeliever to be a disbeliever is himself a disbeliever," but they used it in a general, non-specific way, with understanding and qualification.

There is no real contradiction between them. Rather, it is agreement in meaning, but variation in expression to prevent misunderstanding.

Whether, for example, a scholar speaks about an issue in great detail and expands it fully, meaning he discusses it specifically, goes at length, investigates it carefully, analyzes it, and breaks it down precisely..while another scholar from the people of knowledge only mentions it briefly in passing and therefore speaks about it in a general and summarized way.

For example, the *Book Al-Iman* by Imam Abu 'Ubayd al-Qasim ibn Sallam, who was a contemporary of Imam Ahmad and among the imams of Islam.

One of the interesting points: yesterday I was reading in *Tabaqat al-Shafi'iyyah al-Kubra* by Taj al-Din al-Subki.

When he mentioned the biography of Abu 'Ubayd ibn Sallam, he mentioned that there was a debate between him and Imam al-Shafi'i. And of course, Imam al-Shafi'i had many debates, and in most cases he was not overcome, rather, many of those who debated him ended up returning to his view.

Al-Subki said: except in this case, where Abu 'Ubayd ibn Sallam debated him on the issue of al-qur', whether it refers to menstruation or purity. This is a well-known issue with differences among the scholars.

He said: Imam al-Shafi'i presented his evidence and arguments.

And as is known, Imam al-Shafi'i–author of *al-Risalah*–when he presents evidence, he leaves no source or argument unused, and he reaches the core of the opposing view.

Then Abu 'Ubayd came and responded with strong evidences against him. And he was, as one of Imam Ahmad's companions said, like a mountain in knowledge–some even said he was greater than Imam Ahmad.

He said: "The gathering ended," meaning the session concluded without anyone being fully convinced. And he said: "The gathering ended, and each one of them held to the opinion of the other."

Abu ‘Ubayd said to himself: by Allah, it seems that Imam al-Shafi‘i’s view is more correct. And Imam al-Shafi‘i also said: by Allah, the view of Abu ‘Ubayd seems more correct, and Allah knows best.

Taj al-Din al-Subki said: this kind of outcome rarely happens with a scholar in front of Imam al-Shafi‘i.

Who is really going to convince Imam al-Shafi‘i in debate? Imam al-Shafi‘i had very strong foundational principles, which he established in his book *al-Risalah*. He used this book to support the methodology of Ahl al-Hadith, explaining their principles of deriving rulings from evidence: issues like commands and prohibitions, general and specific texts, clarification, and other foundational principles.

***al-Risalah* is a great and important book. It is enough to open it and read it to appreciate its value. The style is beautiful Arabic prose—you feel as if you are sitting with a man from the Arabs speaking eloquently and at length. It is not written in the style of later summarized legal manuals or textbooks. Rather, it reads like a piece of classical Arabic literature, even though it is fundamentally a foundational work in usul al-fiqh.**

And just as a light interesting story so you don’t get bored:

Imam al-Shafi‘i was in Makkah, and Imam Ahmad (may Allah have mercy on him) was with his companion Ishaq ibn Rahawayh, the great imam of Khurasan in fiqh. They had gone to Makkah to study from whom? From Sufyan ibn ‘Uyaynah, the imam of Makkah.

Ishaq ibn Rahawayh, Yahya ibn Ma‘in, Abu Thawr, and others were attending Sufyan’s gatherings. Then they noticed that Imam Ahmad was missing from Sufyan’s gathering. They said: “We don’t see Ahmad anymore—may Allah forgive him, it seems he is absent.”

So they went looking for him and found him.

They said: “Woe to you, Abu ‘Abdullah! We traveled all the way from Baghdad to Makkah, and you have left the gatherings of Sufyan?”

He said: “By Allah, I only left it for something better than it.”

They asked: “And what is that?”

He said: “A young Qurashi man I found sitting by one of the pillars of the mosque. I have not seen anyone like him in understanding or knowledge. Come tomorrow and I will show him to you.”

So they left the gathering of Sufyan ibn ʻUyaynah and went to al-Shafiʻi (may Allah have mercy on him). They found him praying near one of the pillars of Makkah, then he sat down.

Imam Ahmad said to Ishaq: "Debate him in fiqh."

So Ishaq began debating Imam al-Shafiʻi about the issue of property in Makkah—whether it can be rented or whether it is general property for all Muslims. It is a well-known and detailed issue.

Ishaq was completely amazed by the depth of knowledge he found with Imam al-Shafiʻi.

Abu Thawr (may Allah have mercy on him) used to bring up legal issues and debate them. He was also sharp in fiqh discussions and could be quite firm in his approach.

So Imam al-Shafiʻi smiled and said to him: "O Abu Thawr, al-inas before al-ibsas (soft approach before a firm approach.)"

Abu Thawr said: "And what is that supposed to mean?" (as in: you are coming to us with words we do not understand).

And of course, Imam al-Shafiʻi was from pure Arab lineage, Qurashi, raised among the tribe of Hudhayl, one of the most well-known Arab tribes whose poetry is often quoted. Scholars of language even considered al-Shafiʻi a proof in Arabic language itself because of his strong linguistic background.

Abu Thawr asked again: "What is al-inas before al-ibsas?"

He replied: "The Arabs, before they milk a camel, first calm it and make it familiar by gently touching its udder, then they milk it."

Meaning: "You, may Allah reward you, want to debate me, but first you need to make things easy and familiar. You are new to me, I do not yet know you, and you are speaking to me with this level of intensity, so first make things comfortable before debating."

May Allah have mercy on him.

Imam Ahmad (may Allah have mercy on him) was greatly impressed by Imam al-Shafiʻi's understanding.

Imam Ahmad later went to Iraq, and he used to warn people against reading the books of Ahl al-Raʾy (people of opinion) there, meaning he discouraged the study

of the books attributed to Abu Hanifa (may Allah have mercy on him), because they were based on reasoning and juristic opinion, and so on.

In Baghdad there was Bishr al-Mirisi, a major figure of bid‘ah and a leading figure among the Mu‘tazila. The hadith scholars there used to be afraid of debating him because he was very skilled in argumentation and had wide knowledge and a strong intellectual background.

So Ibn al-Zafarani used to come to Imam Ahmad and say: “O Imam, allow us to read the books of Abu Hanifa so we can respond to this man. He is a man of opinion and strong intellect, and we are not able to respond to him.”

Imam Ahmad said: “No. Wait until the young man from Makkah comes” (meaning Imam al-Shafi‘i), “for he has made an appointment with me.”

Bishr al-Mirisi was deeply entrenched in his innovation and misguidance, and his gatherings were always full of people.

Then Imam al-Shafi‘i arrived in Baghdad, and people gathered around him. Ibn al-Zafarani came to him and said: “O Imam, there is a man here who is very corrupt, named Bishr al-Mirisi. No one is able to stand against him. Everyone who debates him ends up unable to respond. We would like you to debate him.”

Imam al-Shafi‘i said: “I am not free for that right now, but in what issue?”

He said: “Debate him on the issue of al-shahid wa al-yamin (the witness and the oath).”

This is a judicial fiqh issue, but Bishr al-Mirisi used to debate in everything: fiqh, theology, hadith, language, and more.

Imam al-Shafi‘i said: “Take this book on the issue of al-shahid wa al-yamin, read it, and then debate him using it.”

So Ibn al-Zafarani said: “I studied it carefully. The next day I went to Bishr. When he saw me entering his gathering, he said mockingly: ‘The people of hadith have come!’”

He said: “I then stepped forward and said: I will debate you on the issue of al-shahid wa al-yamin (the witness and the oath)” because his statement (Bishr al-Mirisi’s view) was considered rejected and opposed to the correct position.

So he said: “Debate me.”

And Bishr said: “Go ahead.” This shows his boldness and confidence.

The debate continued, and Ibn al-Zafarani kept presenting his arguments, while Bishr al-Mirisi began to weaken. Eventually he was unable to respond and became silent.

So the gathering erupted in takbir (saying Allahu Akbar), as this was the first time Bishr al-Mirisi was actually defeated in debate.

Then Bishr said: "Allahu Akbar! By Allah, this is not your own speech. This is the speech of a man I have heard in Makkah." Meaning: "I recognize this line of reasoning; I have sat with the one who says this–he is referring to Imam al-Shafi'i."

Anyway, let us return to the main topic. Where did we stop? At the debate of Abu Ubayd al-Qasim ibn Sallam with al-Shafi'i.

Look at the strength of Imam al-Shafi'i. Abu Ubayd al-Qasim ibn Sallam, despite his great status, was able to engage with al-Shafi'i in this issue.

The point is: this is our main subject, that among the scholars there are those who give detailed precision to general statements, and there are those who state them in general terms.

Abu Ubayd, despite his great status and scholarship, wrote a book called al-Iman. It is a very important work about faith. And the term "creed" or "belief" in this context is this concept that appeared later in terminology. Early scholars (the salaf al-awwalun) did not usually label their written works with the term "aqeedah" in the way it is used today.

Instead, they would name such books *al-Sunnah*. So if you see a book titled *al-Sunnah* by Abu Asim, you should understand that it is actually a work about creed and belief.

Likewise, *al-Sunnah* by Abdullah (meaning Abdullah ibn Ahmad) deals with matters of belief. They would call issues of creed "al-Sunnah".

Some of them also called it "al-Iman", using the term "faith" to cover all issues of belief.

Others used the term "al-Tawhid", such *as al-Tawhid* by Ibn Abi Khuzaymah and "al-Tawhid" by Ibn Mandah and others.

As for the term "aqeedah" (creed), it is a later term. Some scholars even considered it less precise, because it may give the impression that belief is limited only to internal belief of the heart, as if issues of tawhid are only restricted to belief alone.

But this is not correct, because when you look at the books of tawhid, sunnah, and iman, you find that they discuss belief in the heart, actions of the limbs, and statements of the tongue. That is why the terminology of the salaf is more accurate and more balanced: "al-Iman", "al-Sunnah", and "al-Tawhid".

However, this terminology of "aqeedah" later became common, starting with works like "Aqeedah Ahl al-Hadith" by al-Sabuni in the 5th century, and then al-Lalika'i in his explanation of the principles of belief of Ahl al-Sunnah.

There is no problem in terminology as long as the meaning is correct, but what we are saying is that the earlier terms are more precise.

In any case, in the book al-Iman by Abu Ubayd al-Qasim ibn Sallam, he speaks about the Jahmiyyah and says:

"I have not seen anyone more misguided in disbelief of the Jahmiyyah than the Christians, the Jews, and the polytheists."

He said:

"And I consider ignorant the one who does not declare them disbelievers."

Pay attention to this wording. The point here is that he judged as ignorant the one who does not declare them disbelievers. And of course, in his view, they are more severe in disbelief than the Jews, Christians, and polytheists.

He said:

"And I consider ignorant the one who does not declare them disbelievers."

Then he made an important exception:

"except the one who does not know their disbelief."

Meaning even a person who does not know their reality and disbelief is also excluded from this description of ignorance.

So the scholars said: "Whoever doubts the disbelief of the Jahmiyyah is a disbeliever."

But here Abu Ubayd gave a precise explanation, because the situation required clarification and detail.

Imam al-Bukhari also has a major book called "Khalq Afal al-Ibad", where he refuted the Jahmiyyah and the Jabriyyah using authentic Sunnah, reports that cannot be opposed or rejected.

Al-Bukhari himself transmitted the same statement from Abu Ubayd al-Qasim ibn Sallam in *Khalq Afal al-Ibad*:

"I have not seen anyone more misguided in disbelief of the Jahmiyyah than the Christians, Jews, and polytheists, and I consider ignorant the one who does not declare them disbelievers except the one who does not know their disbelief."

So here you can see the precision in wording and explanation.

Likewise, in *Sharh Usul al-Itiqad* of al-Lalaka'i, from Abu Hatim and Abu Zur'ah al-Razi, they said:

"Whoever says the Quran is created is a disbeliever with disbelief that takes him out of Islam, and whoever does not declare him a disbeliever after understanding it is himself a disbeliever."

Pay attention. Now they have restricted what others mentioned in a general way.

"Whoever does not declare them disbelievers after understanding is a disbeliever"

Means: after he understands their condition, understands the ruling of the Sharia regarding them, and still does not declare them disbelievers, then he himself becomes a disbeliever.

So it is clearly defined for us: he must understand their disbelief and understand the ruling of Allah in their case, and then if he still stops short of declaring them disbelievers, then this is the one who falls into disbelief.

So notice, brothers, this is how the early scholars dealt with the principle of "whoever does not declare the polytheists disbelievers." They would sometimes state it in a general warning form, and sometimes they would restrict it with understanding and establishment of proof.

This is just a brief summary, because the early scholars dealt with this principle in detail, and the correct understanding must follow their method.

Now we enter the main topic, because until now we have not actually entered the core discussion: "Whoever does not declare the polytheists disbelievers, or doubts their disbelief, or corrects their belief – what is his ruling? And what is the proof?"

This is a principle mentioned by Muhammad ibn Abd al-Wahhab in his third treatise, and it is generally agreed upon in principle. But what is the evidence for it? What is the proof for the disbelief of the one who does not declare the polytheists disbelievers?

One of the listeners said: It is rejection of the Book of Allah.

Another said: What was narrated from Sufyan ibn Uyaynah…

The shaykh said: What is it?

He said: Perhaps you will mention it, if Allah wills.

The other person said: "Rejecting the proofs and texts."

The shaykh responded: "Is there any other statement besides this? So is this the main proof?"

Alright, brothers, the most important thing in this session is to properly define and control this topic, because it is the main point of confusion and the root of the misunderstanding.

Right now we want to understand: what is the actual proof for this ruling? Because any claim needs evidence. And sometimes there are different possible arguments that people use as proof.

First approach:

Some people say the proof is that whoever does not declare the polytheists disbelievers has not disbelieved in al-taghut, and whoever does not disbelieve in al-taghut has not entered Islam correctly.

They use the verse of Allah:

***"So whoever disbelieves in al-taghut and believes in Allah has grasped the most firm handhold"* (al-Baqarah 2:256).**

They explain it by saying: disbelieving in al-taghut means declaring the polytheists disbelievers. So if someone does not declare the polytheists disbelievers, then he has not disbelieved in al-taghut.

So they treat this as a proof. It is a possible interpretation they use, but it still requires further clarification and precise understanding.

Second approach:

Some of them say: no, there is another basis and another proof for this.

And that is: the person who does not declare the polytheists disbelievers is ignorant of tawhid. And whoever is ignorant of tawhid has not actually entered Islam in the first place.

They argue that the Sharia came with declaring the polytheists disbelievers and ruling that they are disbelievers. And shirk is what the prophets were sent to warn against. So whoever does not declare the polytheists disbelievers is, in their view, ignorant of tawhid. And the one who is ignorant of tawhid is a disbeliever and has not entered Islam.

This is another possible basis for the claim.

Third approach:

Some of them say that the one who does not declare the polytheists disbelievers still believes they are Muslims, correct?

And if he believes they are Muslims, then he will show loyalty to them. So they bring him into the category of disbelief through allegiance (muwalat), because a Muslim must show loyalty to a Muslim, at least in its basic form.

So if he shows loyalty to a disbeliever, they argue that he enters under the saying of Allah:
"And whoever among you takes them as allies, then he is indeed one of them" (al-Ma'idah 5:51).

This third basis is also possible in their reasoning, meaning they treat it as an evidence or a grounding principle for this ruling.

Fourth approach:

Some of them say that this is naming shirk as Islam, and this goes against the Sharia definition and what the Sharia has established. It means you are calling something by other than its real name, while Allah has named it one way and you name it in another way. So they say this leads to disbelief.

Fifth approach:

They say that the one who does not declare the polytheists disbelievers is

rejecting Allah's ruling and denying it. And if he rejects it and denies it, then he becomes a disbeliever.

So now we have five possible bases.

Alright, where did all of this come from?

Here, brothers, there is an important method mentioned by the scholars in the chapter of qiyas (analogy). And the chapter of qiyas is part of ijtihad in Islamic law. No one can understand the methods of deduction, or the principles of deriving rulings, or the rules used by scholars in extracting rulings, except through understanding qiyas and the paths of identifying the effective cause (illah). It is one of the most precise and difficult chapters of usul al-fiqh, but also one of the most important.

In this area of identifying the illah, you always find this point: why did the scholars even put usul al-fiqh in place?

It is to regulate the Sharia text, so that it is not left open for misuse, where anyone can take a statement and use it as proof without control or method.

So there are fixed principles and established rules, either derived from induction or from texts, which you move step by step and progress in the levels of deriving rulings from the texts according to set principles.

If you go outside these principles, or deviate from them, and still derive a ruling, then you are mistaken even if you happen to reach a correct result.

There are agreed-upon foundations and correct methods for deriving rulings from the texts and extracting them. These methods are many, and they are called the paths of identifying the effective cause.

Now, we are dealing with a ruling here, which is the ruling of "whoever does not declare the polytheists disbelievers." We are trying to find its basis and its evidence, and we want to connect a ruling to it.

So there are several possible evidences being suggested.

What is the correct basis that can serve as the foundation for this ruling (the disbelief of the one who does not declare the polytheists disbelievers)?

The scholars of usul have a known method for this, called takhrij al-manat (extracting the effective basis). Meaning I identify these possible bases and extract them. Then I refine them, which is called tanqih al-manat, meaning I keep the valid basis and remove what does not fit or what is not suitable.

Then I verify it and finally connect the ruling to it. Some scholars also call this al-sabr wa al-taqsim (testing and dividing), which is used to identify the correct basis and build the ruling upon it.

What is al-sabr wa al-taqsim?

The author of al-Maraqi says: "And al-sabr wa al-taqsim is a fourth category."

(meaning: one of the categories of methods of identifying the effective cause and how rulings are derived from texts)

"That a comprehensive investigator gathers all the possible descriptions."

Meaning: you collect all the possible descriptions, because for the method of al-sabr wa al-taqsim to be valid, you must gather all the possible descriptions. And when we looked at what opponents use as arguments, we did not find them going outside these descriptions.

The speech of Ahmad al-Hazimi is all within this framework from beginning to end.

He revolves around three things: disbelieving in al-taghut, ignorance of tawhid, and claiming loyalty to the polytheists.

He does not go outside these three at all.

The scholars said: "It is enough in induction to reach a strong assumption."

And we do not know of any basis they build a ruling on other than these bases we have mentioned. Through observation, experience, and discussion, we concluded this.

So one of the conditions of al-sabr wa al-taqsim is that you gather all possible descriptions and limit them, meaning all possible bases that could serve as evidence for the ruling.

And al-sabr wa al-taqsim is a fourth category:

"That a comprehensive investigator gathers all descriptions, then invalidates those that are not suitable, and what remains becomes clearly identified."

Meaning you take them one by one, refine them, and put them under scrutiny, meaning the legal scale. If it is valid, then it is accepted, and if it is not valid, you reject it and move to the next possible basis. What remains is what is actually to be acted upon.

This is what scholars call “al-sabr wa al-taqsim.” What does “al-taqsim” mean? It means you gather all the descriptions and then test them, meaning you examine them. It is said: “So-and-so I tested him,” meaning I examined him. You test these descriptions to see which one is suitable to be a basis and which one is not suitable.

So the scholars said: al-sabr is testing what is suitable to be an effective legal cause and what is not suitable.

And the cause is the same as the “manat.”

What is the manat?

It is the thing a ruling is attached to. It is said: “I attached the stick to the wall,” meaning I hung it on it. That is called a manat. And the “nitat” of the heart means its attached veins.

Abu Tammam, who is often quoted by scholars of usul, said:

“A land to which my amulets were tied… and the first land where my skin touched its soil.”

Meaning “attached.”

So when jurists say “manat al-hukm” (the basis of the ruling), they mean the description or the cause upon which the ruling is built.

Okay, before we enter our topic through the method of al-sabr wa al-taqsim, we will take a jurisprudential example:

It is reported in the two Sahihs from Abu Hurayrah (may Allah be pleased with him) that a Bedouin man came to the Prophet ﷺ and said: “O Messenger of Allah, I am destroyed!”

The Messenger of Allah ﷺ said: “What has destroyed you?”

He said: “I had intercourse with my wife during the daytime in Ramadan.”

Meaning: he had marital relations while fasting.

So what ruling did the Prophet ﷺ give?

He imposed the severe atonement (al-kafarah al-mughallazah): freeing a slave, and if he cannot find one then fasting two consecutive months, and if he is unable then feeding sixty poor people.

So what is the ruling here?

The ruling is the severe expiation.

Now, what is the description upon which this ruling was built?

If someone were to say: the Prophet ﷺ based it on the fact that he was a Bedouin, meaning because he was an Arab desert man. He would say: there is a description mentioned in the text, "a Bedouin man came," and therefore the ruling of atonement is tied to being a Bedouin.

Imagine, O brothers, if we opened this door, all the legal texts would be wasted. There would be no proper way or straight path for deriving the effective basis (manat).

Someone could even say: in the narration it is mentioned that he came with disheveled hair, so maybe the Prophet ﷺ gave him the severe atonement as a form of punishment for that!

Can such a description be a valid basis for the ruling?

No, it is not valid at all. It is false. All the evidences of the Sharia reject it, because the ruling regarding Bedouins is originally the same as that of city dwellers, except in specific cases where the Sharia makes an exception.

Likewise, having messy or standing hair has no legal consequence, even though in principle it may be disliked, as reported in Muwatta Malik in a mursal narration: that the Prophet ﷺ saw a man with disheveled hair and said: "Did he not find something to calm his hair?"

But no severe legal rulings are built upon that.

Now, is the ruling because he violated the sanctity of the month? Or because he had intercourse?

Meaning: did he incur atonement because he violated the sanctity of Ramadan by committing one of the nullifiers of fasting? Or specifically because he had intercourse?

In other words, the one who eats and drinks, does he also owe the same atonement because he violated the sanctity of the month?

Is it because he broke the fast in Ramadan through one of the nullfiers? Or is it specifically because he had intercourse?

Both descriptions seem, at first glance, potentially suitable for the ruling, do they not?

Meaning: both are possible in terms of strength.

That is why the scholars differed.

So Imam Malik ibn Anas, what did he say?

He said: the Prophet ﷺ did not base the ruling on the fact that he had intercourse, but rather because he deliberately broke the fast in Ramadan. So according to Malik and his followers, anyone who deliberately breaks the fast in Ramadan must perform the atonement. He built the ruling on this basis (manat).

As for the majority of the scholars–Abu Hanifah, al-Shafi'i, and Ahmad–what did they say?

They said: no, that description is not suitable to be the effective basis (manat) of the ruling. Rather, the valid basis is specifically the act of intercourse.

Now, why did Malik take this view? Because he has an principle, which I will not go into detail about here, called "revision by addition," meaning he tends to prefer the more comprehensive description when there are multiple possible causes. So when there are multiple possible descriptions, he takes the more inclusive one out of caution. But this approach is not correct in all of its forms.

The point is: this is exactly how we proceed. We now have multiple possible descriptions that could serve as the basis for the ruling regarding the one who does not declare the polytheists as disbelievers. So we want to refine them, test them, and extract the correct effective cause.

Is this method of al-sabr wa al-taqsim clear, O brothers?

Through it we protect our thinking from error. We protect ourselves from following desire, or following a view simply because it is more common or because of majority pressure, and so on.

No, in this way I am preserving a correct method of deriving rulings. It is a well-known and established path among scholars, almost like mathematical rules. The difference may only appear in some individual cases or new issues (nawazil).

By using the method of al-sabr wa al-taqsim, by Allah's permission, we can identify the correct effective basis (manat) and apply the ruling to it with ease.

One of the listeners asked: “Is ijtihad open in this issue? Isn’t it restricted to a specific group of people?”

The Shaykh replied: What has brought us confusion and problems except the claim of ijtihad and people declaring it for themselves? Even those who say the door of ijtihad is open for the ummah, they still attach it to very strict conditions.

No one is allowed to speak unless he is a scholar. Even someone who understands the madhhab of Ahmad from beginning to end, and knows his statements, is still not allowed to give fatwa, because he is still a follower (muqallid). They say this unanimously: a muqallid is not allowed to give fatwa.

Except in certain cases, such as when no qualified mujtahid is found, and even then there are detailed discussions mentioned by Ibn al-Qayyim in *I‘lam al-Muwaqqi‘in*.

But the origin is that a follower does not give fatwa, even if he is knowledgeable of the opinions of scholars.

That is why Imam Ali (may Allah be pleased with him), as mentioned by Ibn Abd al-Barr in Jami‘ Bayan al-‘Ilm wa Fadlihi, once entered upon a storyteller.

He said to him: “Do you know the abrogating and abrogated verses of the Qur’an?”

He said: “No!”

He said: “Do you know the specific (khass) from the general (‘amm)?”

He said: “No!”

He said: “Do you know the ambiguous (mujmal) from the clarified (mubayyan)?”

He said: “No!”

He said: “Do you know the restricted (muqayyad) from the decisive (muhkam)?”

He said: “No!”

So he said to him: “Sit down!”

And he prevented him from giving fatwa and removed him from the mosque.

It is not allowed for him to do that until he knows all of these aspects and distinctions.

But you find some people jumping into rare or strange opinions and speaking without understanding these foundations.

That is why when we say "usul al-fiqh," what is it? It is a set of general methods and principles by which a jurist derives rulings.

So if someone does not even know these general methods and is not familiar with them, then how can he perform ijtihad?

That is why, O brothers, most of those who rush into issuing rulings in these kinds of issues are people who are actually ignorant of usul al-fiqh, and far removed from it.

They do not know the methods of fiqh, its sources, or the ways rulings are derived.

Their way of identifying the effective basis (manat) is basically just passing around statements they heard from others without real checking or study.

That is why I told you: for some of them, finding a quote from the scholars of the Najdi da'wah is more important to them than finding a hadith in Sahih al-Bukhari.

And by Allah, brothers, I am not saying this to exaggerate or as theory.

No, by Allah. I am speaking from real experience. I have sat with many of them and debated them. They are ignorant of even the basic foundations of these sciences, even language itself.

And as we will see later, if you do not understand certain basic linguistic issues, you may even misunderstand rulings in Islamic law.

So, by Allah's permission, we will begin listing the possible effective basis (manat) used to build the ruling regarding "the one who does not declare the polytheists disbelievers."

And we will continue, Allah willing, after the prayer.

End of the first lecture, all praise is due to Allah.